

1 ROBERT E. FREITAS (SBN 80948)
rfreitas@fawlaw.com
2 DANIEL J. WEINBERG (SBN 227159)
dweinberg@fawlaw.com
3 FREITAS ANGELL & WEINBERG LLP
350 Marine Parkway, Suite 200
4 Redwood Shores, CA 94065
Telephone: (650) 593-6300
5 Facsimile: (650) 593-6301

6 Attorneys for Plaintiff
MLC INTELLECTUAL PROPERTY, LLC
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 MLC INTELLECTUAL PROPERTY,
12 LLC,

13 Plaintiff,

14 v.

15 MICRON TECHNOLOGY, INC.,

16 Defendant.
17

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff MLC Intellectual Property, LLC (“MLC”) hereby brings this action against
2 defendant Micron Technology, Inc. (“Micron”) for patent infringement, and alleges as follows:

3 **PARTIES**

4 1. MLC is a limited liability company organized and existing under the laws of the
5 State of Delaware.

6 2. Micron is a corporation organized and existing under the laws of the State of
7 Delaware with its principal place of business at 8000 South Federal Way, Boise, Idaho 83716-
8 9632. Micron has an established place of business at 570 Alder Drive, Building 2, Milpitas,
9 California 95035. Micron transacts substantial business, either directly or through its agents, on
10 an ongoing basis in this judicial district and elsewhere in the United States.

11 **JURISDICTION AND VENUE**

12 3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et*
13 *seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

14 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d)
15 and 1400(b) because a substantial part of the events giving rise to MLC’s claim occurred in the
16 Northern District of California and because Micron is either resident in or otherwise subject to
17 personal jurisdiction in the Northern District of California.

18 **INTRADISTRICT ASSIGNMENT**

19 5. Pursuant to Local Rule 3-2(c), intellectual property cases are assigned on a district-
20 wide basis.

21 **BACKGROUND**

22 6. The ’571 patent is entitled “Electronically Alterable Non-Volatile Memory with
23 N-Bits PER Cell.” A true and correct copy of the ’571 patent is attached hereto as Exhibit A and
24 incorporated herein by reference.

25 7. The invention of the ’571 patent generally relates to non-volatile memory devices.
26 In particular, the ’571 patent concerns an apparatus and method for programming multi-level
27 memory cells that may be programmed to multiple states and reliable ways to program and
28 correctly read cells for multiple programmed states.

8. The application that resulted in the '571 patent was filed on February 27, 1995, as a continuation-in-part of an application that was filed on June 4, 1993, application serial number 08/071,816 (now U.S. Patent No. 5,394,362), which was a continuation of an application filed February 8, 1991, application serial number 07/652,878 (now U.S. Patent No. 5,218,569). The U.S. Patent and Trademark Office duly and legally issued the '571 patent on June 9, 1998.

9. Micron is in the business of, among other things, making, using, offering for sale, selling, and/or importing multi-level cell NAND flash memory devices in or into the United States. MLC NAND flash is a popular memory device used in well-known consumer products such as tablet computers, personal music players, smart phones, and other wireless devices.

COUNT I

10. MLC incorporates by reference and realleges paragraphs 1 through 9 above as though fully restated herein.

11. MLC owns all right, title, and interest in the '571 patent, including the right to recover damages for infringement of the '571 patent throughout the period of infringement complained of herein.

12. Micron has infringed and continues to infringe the '571 patent by making, using, offering to sell, selling (directly or through intermediaries), and importing, in or into this district and elsewhere in the United States, the following products: MT29E128G08CECABJ1-10Z, MT29E128G08CECDBJ4-6, MT29E1T08CUCBBH8-6, MT29E256G08CECBBH6-6, MT29E256G08CKCDBJ5-6, MT29E256G08CMCABJ2-10ITZ, MT29E256G08CMCABJ2-10Z, MT29E256G08CMCDBJ5-6, MT29E2T08CTCBBJ7-6, MT29E512G08CKCBBH7-6, MT29E512G08CMCBBH7-6, MT29E512G08CUCABJ3-10Z, MT29E512G08CUCDBJ6-6, MT29F128G08CBCABH6-6, MT29F128G08CBCABL85A3WC1, MT29F128G08CBCBBH6-6R, MT29F128G08CBCCBH6-6R, MT29F128G08CBEABH6-12, MT29F128G08CBEABL85A3WC1, MT29F128G08CBECBH6-12, MT29F128G08CBECBL95B3WC1, MT29F128G08CEAAAC5, MT29F128G08CECABH1-10Z, MT29F128G08CECABH1-12, MT29F128G08CECABH1-12IT, MT29F128G08CECABH1-12ITZ, MT29F128G08CECABH1-12Z, MT29F128G08CECABJ1-

1 10ITRZ, MT29F128G08CECABJ1-10RZ, MT29F128G08CECBBH1-10,
 2 MT29F128G08CECBBH1-10IT, MT29F128G08CECDBJ4-6R, MT29F128G08CEEDBJ4-12,
 3 MT29F128G08CFAAAWP, MT29F128G08CFAAAWP-IT, MT29F128G08CFAAAWP-Z,
 4 MT29F128G08CFAABWP-12, MT29F128G08CFAABWP-12Z, MT29F128G08CFABAWP,
 5 MT29F128G08CFABAWP-IT, MT29F128G08CFABBWP-12, MT29F128G08CFABBWP-
 6 12IT, MT29F128G08CKCCBH2-12, MT29F128G08CKCCBH2-12Z,
 7 MT29F128G08EBAABWP-12, MT29F128G08EBEABB85T3WC1,
 8 MT29F128G08EFAABWP-12Z, MT29F16G08CBACAL72A3WC1, MT29F16G08CBACAWP,
 9 MT29F16G08CBACAWP-IT, MT29F16G08CBACBWP-12, MT29F16G08CBECBL72A3WC1,
 10 MT29F16G08MAAL52A3WC1, MT29F192G08CGCDBG1-6R, MT29F1T08CPCABH8-6R,
 11 MT29F1T08CUCABH8-6, MT29F1T08CUCABH8-6R, MT29F1T08CUCBBH8-6R,
 12 MT29F1T08CUCCBH8-6R, MT29F1T08CUEABH8-12, MT29F1T08CUECBH8-12,
 13 MT29F1T08CVCDBG6-6R, MT29F256G08CECABH6-6, MT29F256G08CECABH6-6R,
 14 MT29F256G08CECBBH6-6R, MT29F256G08CECCBH6-6R, MT29F256G08CEEGBH6-12,
 15 MT29F256G08CJAAAWP, MT29F256G08CJAAAWP-IT, MT29F256G08CJAAAWP-ITZ,
 16 MT29F256G08CJAAAWP-Z, MT29F256G08CJAABWP-12, MT29F256G08CJAABWP-12Z,
 17 MT29F256G08CJABAWP, MT29F256G08CJABAWP-IT, MT29F256G08CJABBWP-12,
 18 MT29F256G08CJABBWP-12IT, MT29F256G08CKCABH2-10Z, MT29F256G08CKCABH2-
 19 12, MT29F256G08CKCABH2-12Z, MT29F256G08CKCBBH2-10, MT29F256G08CKCDBJ5-
 20 6R, MT29F256G08CKEDBJ5-12, MT29F256G08CMAAAC5, MT29F256G08CMCABH2-10Z,
 21 MT29F256G08CMCABH2-12, MT29F256G08CMCABH2-12IT, MT29F256G08CMCABH2-
 22 12ITZ, MT29F256G08CMCABH2-12Z, MT29F256G08CMCABJ2-10RZ,
 23 MT29F256G08CMCBBH2-10, MT29F256G08CMCBBH2-10IT, MT29F256G08CMCDBJ5-6R,
 24 MT29F256G08CMEDBJ5-12, MT29F256G08EJAAAWP, MT29F256G08EJAAAWP-Z,
 25 MT29F2T08CVCBBG6-6R, MT29F32G08CBABAL63B3WC1,
 26 MT29F32G08CBACAL73A3WC1, MT29F32G08CBACAWP, MT29F32G08CBACAWP-IT,
 27 MT29F32G08CBACAWP-ITZ, MT29F32G08CBACAWP-Z,
 28 MT29F32G08CBADAL83A3WC1, MT29F32G08CBADAWP, MT29F32G08CBADBWP-12,

1 MT29F32G08CBCCBH1-12, MT29F32G08CBCCBH1-12ITZ, MT29F32G08CBCCBH1-12Z,
 2 MT29F32G08CBECBL73A3WC1, MT29F32G08CBEDBL83A3WC1,
 3 MT29F32G08CFACAWP, MT29F32G08CFACBWP-12, MT29F512G08CKCABH7-6,
 4 MT29F512G08CKCABH7-6R, MT29F512G08CKCBBH7-6R, MT29F512G08CKCCBH7-6R,
 5 MT29F512G08CKEABH7-12, MT29F512G08CKECBH7-12, MT29F512G08CMCABH7-6,
 6 MT29F512G08CMCABH7-6R, MT29F512G08CMCBBH7-6R, MT29F512G08CMCCBH7-6R,
 7 MT29F512G08CMECBH7-12, MT29F512G08CPCDBJ6-6R, MT29F512G08CPEDBJ6-12,
 8 MT29F512G08CUAAAC5, MT29F512G08CUCABH3-10, MT29F512G08CUCABH3-10IT,
 9 MT29F512G08CUCABH3-10ITZ, MT29F512G08CUCABH3-10Z, MT29F512G08CUCABH3-
 10 12, MT29F512G08CUCABH3-12IT, MT29F512G08CUCABH3-12ITZ,
 11 MT29F512G08CUCABH3-12Z, MT29F512G08CUCABJ3-10RZ, MT29F512G08CUCDBJ6-
 12 6R, MT29F512G08CUEDBJ6-12, MT29F64G08CBAAAL74A3WC1,
 13 MT29F64G08CBAAAL74A3WC1P, MT29F64G08CBAAAWP, MT29F64G08CBAAAWP-IT,
 14 MT29F64G08CBAAAWP-ITZ, MT29F64G08CBAAAWP-Z, MT29F64G08CBAABWP-12,
 15 MT29F64G08CBAABWP-12Z, MT29F64G08CBABAL84A3WC1, MT29F64G08CBABAWP,
 16 MT29F64G08CBABAWP-IT, MT29F64G08CBABBWP, MT29F64G08CBABBWP-12IT,
 17 MT29F64G08CBCABH1-10Z, MT29F64G08CBCABH1-12, MT29F64G08CBCABH1-12ITZ,
 18 MT29F64G08CBCABH1-12Z, MT29F64G08CBCBBH1-10, MT29F64G08CBCDBJ4-6R,
 19 MT29F64G08CBEABL74A3WC1, MT29F64G08CBEABL74A3WC1P,
 20 MT29F64G08CBEBBL84A3WC1, MT29F64G08CBEDBJ4-12, MT29F64G08CECCBH1-12,
 21 MT29F64G08CECCBH1-12ITZ, MT29F64G08CECCBH1-12Z, MT29F64G08CFACAWP,
 22 MT29F64G08CFACAWP-Z, MT29F64G08CFACBWP-12, MT29F64G08CFACBWP-12Z,
 23 MT29F64G08EBAAAB74A3WC1P, MT29F64G08EBAAAWP-Z,
 24 MT29F64G08EBAABB74A3WC1, MT29F64G08EBAABWP-12Z, and
 25 MT29F64G08EBEABB74A3WC1P.

PRAYER FOR RELIEF

WHEREFORE, MLC prays for relief as follows:

1. Judgment that Micron has infringed the '571 patent as alleged herein;

2. Compensatory damages in an amount according to proof, and in no event less than a reasonable royalty;
3. An award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285 because this is an exceptional case;
4. Prejudgment interest on all damages awarded to MLC;
5. Post-judgment interest on all sums awarded to MLC from the date of judgment;
6. A preliminary and permanent injunction forbidding Micron, and its officers, agents, employees, successors, assigns, and attorneys, and all those in active concert or participation with it, from further infringing the '571 patent;
7. Costs for suits incurred herein; and
8. Any and all other relief that the Court deems just and equitable.

JURY DEMAND

MLC requests a trial by jury for all issues so triable.

Dated: August 12, 2014

FREITAS ANGELL & WEINBERG LLP

/s/ Daniel J. Weinberg /s/
Robert E. Freitas
Daniel J. Weinberg
Attorneys for Plaintiff
MLC INTELLECTUAL PROPERTY, LLC